REMARKS

The following remarks are offered in response to the Examiner's request for supplementation of the reply filed by applicant on April 21, 2003 to address the rejection based on Frank et al in view of Shareef et al. In making the rejections over Frank et al in view of Shareef et al, the Examiner states that Frank discloses a material with components which overlap the claimed components. (Office Action, p.2). Second, the Examiner states that, due to this overlap, the claimed maturing temperatures and coefficients of thermal expansion would be inherent in the materials of Frank. Id.

Third, the Examiner states that Applicant's claims regarding leucite crystals "not exceeding 10 microns" is rendered obvious by Frank in view of Shareef because Frank discloses an average crystal size of 3 microns and, in addition, teaches "that it is advantageous for mechanical strength if 'all the crystals of the individual phases are essentially of the same size.'" Id. Further, the Examiner states that Shareef teaches that leucite crystals having a more uniform distribution and a finer size provide higher flexural strength and less microcracking, thus providing incentive to use the particle size disclosed in the process of Frank in order to achieve the benefits disclosed in Shareef. (Office Action, p.3).

Respectfully, the Examiner's obviousness rejection is improper because Frank in view of Shareef fails to render obvious all elements of Applicant's claims. *See In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970) (establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art). More particularly, Frank in view of Shareef cannot render obvious Applicant's claims to an absolute crystal size of less

than 10 microns because neither Frank nor Shareef provide any teaching to one of skill in the art how to obtain an absolute crystal size of less than 10 microns. In contrast, the present Application provides detailed teaching on how to obtain an absolute crystal size of less than 10 microns. See Application, p. 9, ll. 5-22. It is well settled that "[i]n order to render a claimed apparatus or method obvious, the prior art must enable one skilled in the art to make and use the apparatus or method." *Beckman Instruments, Inc. v. LKB Produkter AB*, 892 F.2d 1547, 1551, 13 USPQ2d 1301, 1304 (Fed.Cir.1989) (emphasis added). Accordingly, because Frank and Shareef are non-enabling as to an absolute crystal size of less than 10 microns, Applicant's claims cannot be rendered obvious.

Thus it has been shown that neither Frank nor Shareef enable leucite crystals no larger than 10 micron diameter, an element of independent claim 1, and therefore cannot render claim 1 obvious. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-7 are nonobvious as well.

For the reasons discussed above, Applicants respectfully submit that Applicants' Claims 1-7 patentably distinguish over Frank in view of Shareef. Therefore, Applicants request that the Examiner now reconsider and withdraw the rejections of Claims 1-7 under 35 U.S.C. 103(a) as being unpatentable.

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' Attorneys.

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Respectfully submitted,

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